

0003



Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

January 16, 2002

TO: Internal File

THRU: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Team Lead *SSP*

FROM: Paul B. Baker, Sr. Reclamation Specialist/Biology *PBB*

RE: Gilson Well, Canyon Fuel Company, LLC., Dugout Canyon Mine, C/007/039-01H-1

SUMMARY:

On September 4, 2001, the Division received a proposal to drill a well upstream from the Dugout Canyon Mine near the water tanks. Canyon Fuel Company had previously submitted this proposal but requested that the Division take no action on it. The Division's first review of the September 4, 2001, submittal was sent October 19, 2001, and Canyon Fuel responded with the current submittal on December 3, 2001.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

Because this is not an action requiring a new permit, the Division does not require updated ownership and control information. The area proposed to be disturbed is within the current permit area, so no new land ownership information is needed.

TECHNICAL MEMO

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The Division does not require updated violation information for an amendment.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The area proposed to be disturbed is within the current permit area, and, according to Plate 1-1 in the mining and reclamation plan, the surface is owned by the applicant, Canyon Fuel Company. No additional right of entry information is needed.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

TECHNICAL MEMO

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

A cultural resources survey found two sites in the mine area, but neither of them is near the proposed disturbance. There are no cemeteries, public parks, or units of the National Trails System or the Wild and Scenic Rivers System located in the permit area. This information is in the current mining and reclamation plan, and no further information is needed.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

The current mining and reclamation plan contains quantitative information about the vegetation communities in the area proposed to be disturbed. No additional information is required.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Habitat in the area proposed to be disturbed is the same as what was disturbed when the mine was built. The baseline information in the plan is adequate for the proposed disturbance.

The proposal includes relocating a portion of Dugout Creek, and the application includes a copy of the stream alteration permit issued by the Division of Water Rights. Although the channel area includes riparian habitat, Water Rights apparently decided not to require information concerning whether a wetland exists. The stream channel is very confined through

TECHNICAL MEMO

this portion of the canyon, and jurisdictional wetlands, if they do exist, would be extremely small. Because the Division of Water Rights is the lead agency on stream alteration permits and decided not to require wetland information, the Division has determined it will not seek further information or mitigation for wetlands.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

LAND-USE RESOURCE INFORMATION[smorriso7]

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The applicant has not proposed to change this portion of the mining and reclamation plan. The land uses in the area proposed to be disturbed are the same as those in the area of the existing mine, and no additional information is required.

Findings

Information provided in the application is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR784.17; R645-301-411.

Analysis:

There are no known cultural resources in the area proposed to be disturbed, so no protection measures are needed.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244.

Analysis:

The existing mining and reclamation plan contains a description of the coordination and compliance efforts that have been undertaken by the applicant with the Division of Air Quality. The Division does not expect the proposed well to be a source of fugitive dust or other air pollutants, so no modifications to the plan are needed.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

With the possible exception of the Mexican spotted owl, there are no threatened or endangered species known to be in the area. Because the proposed disturbance is small (0.23 acres) and immediately adjacent to existing disturbance, the Division does not expect any effects on this species.

Water depletions are considered to potentially adversely affect four threatened and endangered fish species of the upper Colorado River basin, and a mitigation fee is required if the amount of depletion is over 100 acre-feet annually. The current mining and reclamation plan indicates about 15,000,000 gallons, or about 44 acre-feet, of water is consumed in the mine annually. In addition, the applicant has provided the Division information that an additional 1,470,000 gallons or about 4.3 acre-feet are consumed as culinary water. However, since the culinary water is not produced at the mine but is trucked in from another source, this water does not count toward the depletion amount.

Since the total water consumption is less than 100 acre-feet, no fee is required. The newly-calculated figure is close to the amount calculated for the original permit, 46.5 acre-feet. The Division already consulted with the Fish and Wildlife Service about effects on threatened and endangered species when issuing the permit in 1998, so no additional consultation is needed. If the amount of water consumption increases, the Division would have to consult with the Fish and Wildlife Service again.

TECHNICAL MEMO

The existing mining and reclamation plan contains adequate protection measures for other wildlife species.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

At the Division's verbal suggestion, the applicant has modified the interim revegetation plan to exclude alfalfa and add Kentucky bluegrass. Other aspects of this plan have not changed, and the proposal is acceptable.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

The applicant has proposed no changes to the postmining land use.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The existing mining and reclamation plan contains a revegetation plan for Dugout Creek through the mine area. This plan was reviewed extensively before the Division issued the original permit, and the plan is applicable to the proposed stream relocation.

The stream alteration permit issued by the Division of Water Rights contains very few requirements relating to the revegetation plan, and although these requirements do not conflict with the existing plan, there are a few additional conditions relating to protection of established vegetation from animals. It is not necessary to include additional commitments in the plan.

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The reviewed portions of the application are adequate and can be approved.